

CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Nathan P. Ela	Team: Team # 7	CCRB Case #: 200308350	<input checked="" type="checkbox"/> Force	<input type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input checked="" type="checkbox"/> Abuse	<input type="checkbox"/> O.L.	<input type="checkbox"/> Injury
Incident Date(s) Tuesday, 10/14/2003 1:00 PM	Location of Incident: Behind § 87(2)(b)	Precinct: 105	18 Mo. SOL 4/14/2005	EO SOL 4/14/2005	
Date/Time CV Reported Fri, 10/17/2003 8:55 PM	CV Reported At: IAB	How CV Reported: Phone	Date/Time Received at CCRB Wed, 10/22/2003 2:09 PM		

Complainant/Victim	Type	Home Address

Witness(es)	Home Address

Subject Officer(s)	Shield	TaxID	Command
1. POM Christop Alden	22004	918681	105 PCT
2. SGT Mark Holochuck	02868	906472	105 PCT
3. POM Michael Edmonds	04823	930090	105 PCT

Witness Officer(s)	Shield No	Tax No	Cmd Name
1. POM Anthony Salato	24592	926403	105 PCT
2. POM Matthew Wahl	30578	919838	105 PCT
3. POM Brian Kurz	14788	928602	105 PCT

Officer(s)	Allegation	Investigator Recommendation
A.SGT Mark Holochuck	Abuse: Sgt. Mark Holochuck authorized the stop of § 87(2)(b)	
B.SGT Mark Holochuck	Force: Sgt. Mark Holochuck pointed his gun at § 87(2)(b)	
C.POM Michael Edmonds	Force: PO Michael Edmonds pointed his gun at § 87(2)(b)	
D.POM Michael Edmonds	Force: PO Michael Edmonds jumped on § 87(2)(b)	
E.POM Michael Edmonds	Force: PO Michael Edmonds used physical force against § 87(2)(b)	
F.SGT Mark Holochuck	Force: Sgt. Mark Holochuck used physical force against § 87(2)(b)	
G.POM Christop Alden	Force: PO Christopher Alden used physical force against § 87(2)(b)	
H.POM Michael Edmonds	Force: PO Michael Edmonds twisted § 87(2)(b)'s genitals.	
I.SGT Mark Holochuck	Abuse: Sgt. Mark Holochuck threatened to send § 87(2)(b) to a psychiatric institution.	

Synopsis

On October 14, 2003, § 87(2)(b) a § 87(2)(b)-old Black male from § 87(2)(b), fled from a team of 105th Precinct anti-crime officers when they pulled their RMP next to the parked car in which he was sitting [Allegation A]. § 87(2)(b) dropped a gun as he ran down a sidewalk, then cut into backyards and hid between a shed and a fence. The anti-crime officers called for backup, and officers from a number of units searched the backyards. When they found § 87(2)(b) PO Michael Edmonds (a uniformed officer from the 105th Precinct) and anti-crime supervisor Sgt. Mark Holochuck pointed their guns at him [Allegations B and C]. § 87(2)(b) claimed that he was handcuffed and pulled over the fence into the next yard, then jumped on by PO Edmonds [Allegation D] and kicked by PO Edmonds, Sgt. Mark Holochuck and anti-crime officer PO Christopher Alden [Allegations E through G]. PO Edmonds also allegedly twisted § 87(2)(b)'s genitals through his pants [Allegation H]. § 87(2)(b) started yelling that he would sue the officers, and alleged that after he was placed in the anti-crime RMP, Sgt. Holochuck threatened to admit him to a psychiatric ward if he complained or didn't shut up [Allegation I].

§ 87(2)(g)

§ 87(2)(g)

Summary of Complaint

On October 17, 2003, § 87(2)(b) called IAB (see IAB log 03-26955, encl. 8) to report a complaint on behalf of her friend § 87(2)(b). The allegations that she detailed were consistent with those later given directly by § 87(2)(b) to IAB and CCRB investigators.

IAB investigators interviewed § 87(2)(b) at Rikers Island on October 18 (encl. 9). They did not use any recording device, and their report lacks detail. § 87(2)(g)

§ 87(2)(b) The descriptions he gave of two subject officers and his allegations against them were also consistent with his CCRB statement (see Table One below).

IAB forwarded this complaint to CCRB, where it was received on October 22. § 87(2)(b) provided an official CCRB statement at Rikers Island on November 25. § 87(2)(b) stated that he was riding in a car with a friend – he told IAB the friend's name was "§ 87(2)(b)," but refused to give CCRB his name – when the friend saw officers in an unmarked car and led them on a car chase. § 87(2)(b) did not know why his friend sped away from the officers. After several blocks, the friend pulled the car over, got out, walked into the driveway of a house, then came back to the car and asked § 87(2)(b) for his cellular phone. § 87(2)(b) who was sitting in the passenger seat, gave it to him, and the friend sat on the car's hood. A black unmarked sedan pulled up with three officers inside (identified in the course of the investigation as Sgt. Holochuck, PO Salato, and PO Alden), blocking the car § 87(2)(b) was in.

§ 87(2)(b) stayed in the car as the officers asked for his friend's license and registration. His friend got the papers and handed them to the officers, who were still in their car. At this moment, § 87(2)(b) exited the car, ran down the sidewalk to the right, and made the first left turn. He ran because he had an open bench warrant against him for § 87(2)(b). The officers didn't follow him as he ran, and he claimed not to understand why the officers eventually followed him rather than staying with his friend. § 87(2)(b) cut through backyards and jumped through a crack between a wood fence and a shed. He found himself trapped lying on his side in a narrow space between the shed and a short chain-link fence.

Fifteen minutes later, § 87(2)(b) heard police radios and a uniformed officer, PO 1 (identified in the course of this investigation as PO Edmonds), approached by § 87(2)(b)'s feet with his gun pointed, saying "freeze, don't move." § 87(2)(b) replied, "don't shoot." PO 2 (identified as Sgt. Mark Holochuck)

was by § 87(2)(b)'s head, his gun pointed, telling him to show his other hand. § 87(2)(b) said he couldn't because it was stuck under him.

PO 3 (identified as PO Christopher Alden) reached over the fence, cuffed § 87(2)(b)'s left hand, pulled him to his feet, and cuffed his right hand behind his back (in his IAB statement, § 87(2)(b) said that only his left hand was cuffed at this point). § 87(2)(b) asked what he did, but the officers didn't respond. PO Alden and PO 4 (PO Salato) tried to lift § 87(2)(b) by his waistband, but one mistakenly grabbed and ripped § 87(2)(b)'s boxer shorts.

§ 87(2)(b) alleged that he was placed on his back on the ground on the other side of the fence, and PO Edmonds jumped on him, landing with his knees on his left ribs (he told IAB that an unidentified officer kned him in his upper left torso). PO Edmonds, Sgt. Holochuck and PO Alden then kicked him about nine times to his ribs and once above his right eye (He told IAB that it was Sgt. Holochuck who kicked him in the head). As they did this, PO Salato stood by his head; § 87(2)(b) repeatedly referred to PO Salato as "the nice one." The kicks didn't bruise him, because he was able to wriggle away as they landed. PO Edmonds then grabbed, squeezed and twisted § 87(2)(b)'s penis through his pants for a few seconds. When he did this, § 87(2)(b) yelled "aaaah!" at the top of his lungs.

The officers picked up § 87(2)(b) and he told them he would press charges. PO Salato told him to calm down. The officers brought § 87(2)(b) to the front of the house, where he saw a woman who he thought lived in the house and probably heard his yell. § 87(2)(b) repeated that he would press charges, and Sgt. Holochuck told him to shut up.

PO Salato patted him down, then placed him in the officers' unmarked car. Inside the car, § 87(2)(b) kept saying he would press charges. Sgt. Holochuck, who was driving, said, "if you don't shut up I'll sign you up for the psych. ward." § 87(2)(b) then kept quiet.

§ 87(2)(b) was charged with § 87(2)(b). He denied to CCRB that he had had a weapon or had thrown one as he ran; he claimed that he wasn't sure what the weapon charge was related to.

On May 28, 2004 § 87(2)(b) studied a series of ten single photos of white male officers who responded to the location of this incident (encl. 12). Three of the officers in the photos were PO Salato, PO Alden, and Sgt. Holochuck. The others were uniformed officers who were assigned to 105th Precinct sector cars at the time of the incident, and who, according to sprint records, responded to the scene. § 87(2)(b) did not recognize the photos of Sgt. Holochuck and PO Alden.

§ 87(2)(b) identified three of the officers. The first (PO Wahl, photo number 7), who was in street clothes, pulled him to his feet and over the fence before slamming him to the ground and kicking him. This identification appeared to be in error, and will be discussed below. The officer in photo number 9 (PO Salato) kicked him, and was also wearing street clothes. Finally, § 87(2)(b) said he was 70% sure that the officer in photo number one (PO Edmonds) was the uniformed officer who stood by his feet and pointed his gun at him, and who later kicked him and grabbed his groin. When asked if the officer who was nice during the incident was among the officers in the photos, § 87(2)(b) hesitated over PO Salato's picture, but did not revise his testimony.

Results of Investigation

Attempts to Locate Civilian Witnesses

CCRB investigators made two field trips to the block where § 87(2)(b) hid and was arrested. During these trips they photographed the shed behind which § 87(2)(b) hid (see photo, encl. 36). They also spoke to § 87(2)(b), who resides at § 87(2)(b). He was aware that someone had been arrested in his backyard, but didn't witness the arrest. § 87(2)(b) § 87(2)(b) downstairs neighbor, said that he was not at home at time of the arrest, but knew that § 87(2)(b) was pulled over the fence into the adjoining yard.

The investigators also spoke to § 87(2)(b) who resides at § 87(2)(b), and whose backyard adjoins that of § 87(2)(b). § 87(2)(b) observed the incident from his rear window, but declined to provide an official statement to CCRB. In a conversation with investigators he stated that he was about to go out his front door when officers told him to stay inside because a man was in his backyard with a gun. From his rear window § 87(2)(b) saw ten to twenty officers approaching his backyard from all sides. A man was lying between his rear cyclone fence and the shed behind it. Officers closed in with their guns pointed and yelled for him to show his hands. § 87(2)(b) didn't move. Several officers pulled him over the fence by his boxer shorts, which ripped (a scrap of the shorts was still in § 87(2)(b)'s yard

at the time of the investigators' visit). § 87(2)(b) was placed on the ground and handcuffed, then led to the front of § 87(2)(b)'s house. § 87(2)(b) did not hear him yell, and did not see him resist except for not getting up when the officers told him to.

Officer Statements

PO Anthony Salato

PO Salato prepared the paperwork for § 87(2)(b)'s arrest. The Stop, Question and Frisk Report Worksheet (encl. 27) that he filed provides details generally consistent with the officers' testimony. It indicates that § 87(2)(b) dropped a firearm to the ground, leading to his stop and arrest, and reports that officers pointed their firearms at § 87(2)(b) placed him on the ground, and placed their hands on him. § 87(2)(b) was "combative" after being stopped, and he said, "I'm gonna sue your ass." PO Salato's command log entry regarding the arrest (encl. 28) indicates that § 87(2)(b) was in apparently normal physical condition, but with minor scratches. The Online Booking Sheet (encl. 29) narrative is generally consistent with PO Salato's CCRB statement. A property voucher (encl. 30) was filed for the weapon that § 87(2)(b) allegedly threw. § 87(2)(g)

PO Salato was interviewed by CCRB on December 23, 2003 (encl. 14). On October 14, 2003, he was assigned to anti-crime with PO Alden and Sgt. Holochuck. They were wearing street clothes and were using a black unmarked sedan. Sgt. Holochuck was the operator.

The officers were patrolling looking for potential burglaries. They were stopped at a corner when PO Salato observed a car turn and park in front of § 87(2)(b). The driver got out and started "snooping around" in the side and rear yards of the house, looking in windows. It didn't look like the man lived there, so PO Salato and Sgt. Holochuck ran the car's license plate, then decided to go speak to him.

The officers pulled up alongside the car, and PO Salato noticed a passenger inside. When the officers got out of their car, the passenger § 87(2)(b) got out and ran north on 181st Street. After ten or twenty feet he dropped a gun.

PO Salato yelled "gun," and the officers ran after § 87(2)(b). PO Salato stopped to recover the gun. When § 87(2)(b) ran out of their sight into a backyard they stopped and called for backup, describing § 87(2)(b) and saying it was a gun run. As other units arrived, the three officers set up a perimeter around the block; PO Salato ran to the other side of the block and Sgt. Holochuck told the responding units where to go. Five or six units responded, including an Atlas Detail van and units from the 113th Precinct.

Officers searched the backyards. PO Salato had his gun drawn as he searched, because he thought § 87(2)(b) might have had another weapon. After about five minutes, PO Salato heard a few uniformed officers in an adjoining yard say, "there he is – behind a shed." These officers had their guns drawn.

PO Salato jumped over a fence into the yard where § 87(2)(b) was and holstered his gun. § 87(2)(b) was lying on his side on the ground between a shed and a fence; Sgt. Holochuck was in the backyard of the adjoining lot. PO Salato told § 87(2)(b) to put his hands behind his back and approached him, while the other officers covered him with their weapons drawn. When PO Salato approached, § 87(2)(b) kicked him four or five times in his legs. § 87(2)(b) never claimed to be stuck, but was screaming for the officers not to shoot. PO Salato pulled § 87(2)(b) out from behind the shed by his pants. It took four or five other officers to help pull § 87(2)(b) out and get his arms behind his back. § 87(2)(b) struggled and flipped over a few times; it took a minute or two to cuff him. PO Salato stated that in his experience of a few hundred arrests no suspect had ever resisted as much as § 87(2)(b) did.

During the struggle, PO Salato knelt § 87(2)(b) in his back to keep him from rolling over; as he did so, § 87(2)(b) yelled, "aaah!" None of the officers hit or kicked § 87(2)(b) or twisted his genitals. PO Salato believed that PO Alden was present by the time he placed his handcuffs on § 87(2)(b) and Sgt. Holochuck may have held one of § 87(2)(b)'s hands. § 87(2)(b) was uninjured, except for a small bruise or abrasion by one of his eyes. Asked if any of § 87(2)(b)'s clothes were torn, PO Salato stated that his shirt may have been ripped, but he didn't really notice. PO Salato was sore but not otherwise injured by § 87(2)(b)'s kicks. No other officer was injured.

PO Salato and his partners took § 87(2)(b) back to their RMP. Asked if they ever pulled § 87(2)(b) over a fence, PO Salato thought for a moment and said that he was pretty sure a wooden fence had collapsed and was leaning over by the time they had § 87(2)(b) handcuffed, allowing them to walk him

through a backyard and onto 181st Street. There were a number of other civilians coming outside to see what was going on and an older Black woman said, “I’m glad you got the bastard.”

When PO Salato and Sgt. Holochuck placed § 87(2)(b) in the RMP, he was yelling that he would sue the officers for police brutality. PO Salato didn’t remember if anyone told § 87(2)(b) to be quiet, but said that once they were in the car, he told § 87(2)(b) not to give him a hard time. PO Salato sat in the back with § 87(2)(b) and Sgt. Holochuck drove. The officers passed by the location of the original stop, but the Infinity and its driver were gone. On the way back to the stationhouse, § 87(2)(b) said that he had been arrested a few times before, and PO Salato told him to “play the game:” if he didn’t give PO Salato a hard time, he wouldn’t give § 87(2)(b) a hard time. § 87(2)(b) said, “I hear you,” and calmed down. Asked if Sgt. Holochuck ever told § 87(2)(b) to shut up or he would be taken to the psychiatric ward, PO Salato said no. However, even though the investigator posed this question late in the interview while generally addressing each allegation, PO Salato’s response indicated that he knew the question referred to something that happened in the RMP: he denied the allegation, § 87(2)(f)

§ 87(2)(b)

§ 87(2)(b)

§ 87(2)(b)

Sgt. Mark Holochuck (Encl. 16)

Sgt. Holochuck was interviewed on February 4, 2004. § 87(2)(g)

§ 87(2)(b)

When PO Salato retrieved § 87(2)(b)’s gun, PO Alden tried to chase § 87(2)(b) but lost him. Sgt. Holochuck called for backup to help search the backyards. Officers typically set up a perimeter in a situation such as this, but Sgt. Holochuck wasn’t sure whether they did that. He couldn’t tell what sectors or commands the officers came from, and didn’t remember indicating where they should go as they arrived.

Sgt. Holochuck was by the street waiting for PO Salato to bring back the gun when officers indicated that they had found § 87(2)(b). He wasn’t sure who found him. Sgt. Holochuck ran to the yard on the opposite side of the fence from where § 87(2)(b) was laying face down with his hands beneath him. Sgt. Holochuck pointed his gun at § 87(2)(b) and told him to take his hands out of his waistband. He drew his gun because it is common for people to carry more than one weapon. PO Salato was in the backyard, but Sgt. Holochuck didn’t remember if PO Alden was there as well. Sgt. Holochuck couldn’t remember any officers other than PO Salato in the yard where § 87(2)(b) was cuffed, and didn’t remember if PO Salato or any other officers had their guns drawn.

PO Salato approached § 87(2)(b) from behind and handcuffed him. It took a little while for § 87(2)(b) to take his hands out from underneath him, but it didn’t take very long – 30 to 40 seconds – for PO Salato to cuff § 87(2)(b). § 87(2)(b) struggled a little and flailed his arms around a little bit; he didn’t want to be cuffed, but didn’t put up a lot of resistance. He holstered his gun once § 87(2)(b) was handcuffed, and didn’t remember § 87(2)(b) saying anything or screaming “aaah!” during the arrest. None of the officers kicked § 87(2)(b), jumped on him, or twisted his penis.

Sgt. Holochuck didn’t recall if § 87(2)(b) was lifted over a fence and didn’t know if his clothes were ripped; he walked back to the RMP as soon as PO Salato picked up § 87(2)(b). § 87(2)(b) was talking as officers brought him to 181st Street, but Sgt. Holochuck claimed he didn’t remember what he was saying or if he was upset. He drove § 87(2)(b) back to the precinct; one of his partners sat in front, and another in back with § 87(2)(b). None of the officers told him he would be taken to a psychiatric ward if he didn’t shut up.

PO Christopher Alden (Encl. 18)

PO Alden was interviewed on February 13, 2004. § 87(2)(g)

§ 87(2)(b)

PO Alden searched five or six backyards, working with a short white uniformed officer who he believed to be PO Wahl from the 105th Precinct. PO Alden had his gun drawn as he conducted the search, because he didn’t know if § 87(2)(b) had another gun. Uniformed officers had their guns drawn as well. After a few minutes he heard an officer yell from behind him, “police – don’t move – show me your hands!”

PO Alden ran toward the yelling. When he arrived, PO Salato already had § 87(2)(b) handcuffed and standing up in the backyard of a house on 181st Street. Sgt. Holochuck and six or eight uniformed officers were present, some on either side of the fence behind which § 87(2)(b) had hid. None of the

officers had their guns drawn. § 87(2)(b) was yelling and cursing, but PO Alden couldn't recall specifically what he said. PO Alden and his partners told § 87(2)(b) to calm down and led him to their RMP on 181st Street. PO Alden didn't recall anyone telling § 87(2)(b) to shut up, or saying that he would be admitted to a psychiatric ward if he didn't shut up. § 87(2)(b) calmed down in the car on the way to the precinct. PO Alden didn't see any officers point a gun at § 87(2)(b) jump on him, or punch or kick him. PO Alden himself didn't do any of these things.

PO Michael Edmonds (Encl. 20)

PO Edmonds was interviewed on June 3, 2004. On October 14, 2003, he and PO Bulone were assigned to 105th Precinct sector G. They were both uniformed.

PO Edmonds and PO Bulone searched backyards for ten or fifteen minutes. As he searched, PO Edmonds kept his gun drawn and by his side, for safety. After searching through two or three backyards, PO Edmonds heard officers yelling, "get your hands up" from a couple backyards over. PO Edmonds ran around the front of the houses and into the backyard where the officers had found § 87(2)(b). He didn't have his gun drawn when he was in the yard.

When PO Edmonds first saw him, § 87(2)(b) was standing between a fence and a shed. Officers had placed one handcuff on him, and were trying to get him over the fence by grabbing and lifting beneath his arms. About five officers were in the yard in which § 87(2)(b) had been hiding, and about three were in the yard into which he was pulled. He was screaming and officers were telling him to show them his hands. PO Edmonds didn't see any officer pull him by his pants or rip any of his clothing. PO Alden and PO Salato were in the yard, but PO Edmonds wasn't sure if they were the officers who pulled § 87(2)(b) over the fence.

Once the officers had § 87(2)(b) over the fence, they placed him on his stomach on the ground. § 87(2)(b) was "all fidgety," so PO Edmonds grabbed one of his arms. Within seconds, the officers managed to handcuff him. PO Alden and PO Salato were among the five officers who subdued and handcuffed § 87(2)(b). Neither PO Edmonds nor any of the other officers kicked or jumped on § 87(2)(b) or twisted his genitals.

§ 87(2)(b) was crying as PO Edmonds and another officer escorted him to an RMP. PO Edmonds didn't recall § 87(2)(b) saying that he would press charges. PO Edmonds never spoke to § 87(2)(b) and never told him to quiet down.

PO Brian Kurz and PO Matthew Wahl (Encls. 22 and 23)

PO Kurz and PO Wahl were interviewed on June 1 and 2, 2004, respectively. On October 14, 2003, they were uniformed and assigned to 105th Precinct sector E. PO Kurz stated that when they arrived at the scene, PO Wahl walked quickly towards the anti-crime officers, and went with them into a backyard. PO Kurz stood for a minute or two by the RMP, protecting the perimeter. When a group of officers started running into a backyard, PO Kurz followed them, but arrived after § 87(2)(b) was apprehended. His view of § 87(2)(b) and the officers who apprehended him was obstructed by a tall picket fence, but he could hear § 87(2)(b) screaming something. He didn't see PO Wahl again until he went back to the RMP. He didn't know if PO Wahl helped apprehend § 87(2)(b) and didn't ask.

PO Wahl stated that he worked with PO Kurz during the search, then immediately contradicted himself, saying, "we might have split up. I don't remember seeing him in the backyards." He claimed that "No one in particular" was directing the search, which was "more or less you go on your own," but later admitted that there must have been some interaction between him and the anti-crime officers, though he couldn't remember what it was. He did see PO Alden at some point during the search. He did not draw his gun and didn't see any officers with their guns drawn. When he heard officers yelling "we've got the guy" from a few lots away, he ran out to the street and saw officers leading § 87(2)(b) out of a backyard. § 87(2)(b) was yelling and angry, but PO Wahl couldn't tell what he was yelling about.

Police Department Documents

Sprint Print-Out T05554 (Encl. 25)

This print-out shows that a 10-10F2 call (possible crime with firearm, outside) was made at 12:53pm on October 14. At 12:57pm, Sgt. Holochuck described what § 87(2)(b) was wearing and stated the call was in regards to a man with a gun. § 87(2)(b) was reported arrested at 1:07pm. At least nine units appear to have responded to the call.

Arrest Paperwork

As noted above, PO Salato prepared the following documents: a Stop, Question and Frisk Report Worksheet (encl. 27), a command log entry (encl. 28), an Online Booking Sheet (encl. 29), a property voucher (encl. 30), and a Supporting Deposition (encl. 34).

§ 87(2)(b) Bench Warrant

The § 87(2)(b) confirmed that § 87(2)(b) did have an open bench warrant for § 87(2)(b) at the time of his arrest (encl. 37G).

Officer Identification

§ 87(2)(g)
His physical description of the officers and the roles they played during the incident fits closely with their pedigree information and certain portions of the officers' own testimony. This is illustrated on the following page, in Table One.

§ 87(2)(g)
After studying officer photos, § 87(2)(b) identified two officers who were in uniform at the time of the incident, PO Edmonds and PO Wahl. However, he remembered PO Wahl as having been dressed in plainclothes, and stated that he was 6' to 6'2" tall and between 280 and 300lbs. PO Wahl is 5'7" tall and 170lbs. § 87(2)(g)
(PO Alden is in photo 6, encl. 12H).

§ 87(2)(b) also stated that he was 70% certain that PO Edmonds was the uniformed officer who stood by his feet with a gun pointed. § 87(2)(g)
he described PO 1 as 5'8" to 5'9," slim, and in his late twenties; PO Edmonds is 5'10," has a medium build, and is § 87(2)(b) old. § 87(2)(g)

TABLE ONE:
OFFICER IDENTIFICATION

	PO 1		PO Edmonds	PO Wahl	PO 2		Sgt. Holochuck	PO 3		PO Alden	PO 4		PO Salato
	IAB	CCRB			IAB	CCRB		IAB	CCRB		IAB	CCRB	
Dress	Uniformed		Uniformed	Uniformed	Plainclothes, blue sweatshirt		Street clothes (doesn't own blue sweatshirt)	N/A	Street clothes	Street clothes	N/A	Sweat-shirt and shorts	Street clothes
Sex	Male		Male	Male	Male		Male			Male		Male	Male
Race		White	White	White		White	White		White	White		White	White
Height	5'9"	5'8"	5'10"	5'7"	5'11"	5'11" to 6'	6'		6'2" to 6'3"	6'3"		5'9"	5'9"
Weight			190	170	205		195		300lbs	250			250
Age		Late 20s	§ 87(2)(b)	§ 87(2)(b)			§ 87(2)(b)			28			§ 87(2)(b)
Build		Slim	Medium	Medium		Medium	Medium		Strong/heavy	Strong, heavy		Large	Heavy
Hair		Straight, full, brown	Brown, spiky	Brown	Black	Short, black, spiky	Short, black		Short, very light brown			Dark brown	Brown
Position in RMP		Not in RMP				Driver	Driver		Front passenger	Forgot		Rear seat	Rear seat
Photo ID by § 87(2)(b)			Yes	Yes (but in error)			No			No (but described pedigree info)			Yes
Role during Incident (per § 87(2)(b) or per MOS)	By feet, Gun pointed	By feet, gun pointed, jumped on him, kicked him, twisted penis	Helped handcuff	Searched, but didn't see § 87(2)(b) until after he was handcuffed	By head, gun pointed, "show hands or I'll shoot," kicked in head	By head, gun pointed, "show me your other hand, kicked him, "shut up," "psych ward" comment	Pointed gun	Helped POs 1, 2 and 3	Lifted over fence, kicked him		Lifted over fence and cuffed, no misconduct	Lifted over fence, "The nice one"	Pulled out, kneed in back, placed handcuffs

Civil Suit

As of June 10, 2004, § 87(2)(b) had not filed a notice of claim against the city.

Victim's Criminal History

§ 87(2)(b)

§ 87(2)(b) [§§ 86(1)(3)&(4)] [§ 87(2)(c)]

Officers' CCRB History

PO Alden and PO Edmonds

Neither officer has any previously substantiated allegations on his CCRB history.

Sgt. Holochuck

Two allegations made against then-PO Holochuck in case number 200006530 – Abuse of Authority (questioned and or stopped) and Abuse of Authority (refused to provide name and/or shield number) – were substantiated by the CCRB on June 26, 2001. In 2002, he received a B command discipline and forfeited one day of vacation.

Conclusions and Recommendations

Undisputed Facts

It is not in dispute in this case that on October 14, 2003, Sgt. Holochuck, PO Alden and PO Salato approached a car in which § 87(2)(b) was sitting, in order to question the driver of that car, who had walked into a driveway. When the officers got out of their car, § 87(2)(b) exited his vehicle and ran from the scene, running into backyards and hiding between a shed and a fence. The anti-crime officers called uniformed officers to the scene to help them search for § 87(2)(b) and within fifteen minutes they had found him and pulled him out from behind the fence. PO Salato was involved in pulling § 87(2)(b) out from his hiding place, and a number of officers, including PO Edmonds, helped handcuff him. After the arrest, officers led § 87(2)(b) who was yelling, through a backyard and to the anti-crime officers' vehicle on 181st Street. On the way to the 105th Precinct, § 87(2)(b) sat in the rear seat with PO Salato, and Sgt. Holochuck drove. A gun was recovered from the scene, and § 87(2)(b) was charged with § 87(2)(b)

§ 87(2)(b) [§§ 86(1)(3)&(4)] [§ 87(2)(c)]

Facts in Dispute

§ 87(2)(g)

§ 87(2)(g)

§ 87(2)(b)

After he was handcuffed, § 87(2)(b) repeatedly yelled that he would sue the officers, before and after he was placed in the anti-crime officers' RMP. § 87(2)(g)

[illegible]

§ 87(2)(b)

§ 87(2)(g)

Officers

§ 87(2)(g)

§ 87(2)(g)

§ 87(2)(f)

§ 87(2)(g)

§ 87(2)(g)

Allegation A: Sgt. Mark Holochuck authorized the stop of § 87(2)(b)

Allegation B: Sgt. Mark Holochuck pointed his gun at § 87(2)(b)

Allegation C: PO Michael Edmonds pointed his gun at § 87(2)(b)

In *New York Search and Seizure* (encl. 1), Barry Kamins writes that “the Court of Appeals has held, in *Peoeple v. DeBour*, 40 NY2d 210, 386 NYS2d 375 (1976), that an officer can approach to request information when there is ‘some objective credible reason for that interference not necessarily indicative of criminality.’” Both Sgt. Holochuck and PO Salato indicated that they initially approached § 87(2)(b)s friend to request information because they felt his behavior might have indicated that he was a burglar.

§ 87(2)(g)

§ 87(2)(g)

§ 87(2)(b) *Police Department v. Watson*, OATH Index No. 176/89 (August 2, 1989, encl. 2), noted that “Department training and guidelines permit an officer broad discretion to display his weapon whenever he feels that his life or the life of another is endangered.” Citing *People v. Finlayson*, 76 A.D.2d 670, 431 N.Y.S.2d 839 (2nd Dep’t 1980), the judge writing in *Watson* noted that an officer’s resort to protective action during a stop “should not be based ‘upon some abstract or illusory notion of what police-citizen encounters ought to be like in an ideal world but upon an objective evaluation of the realities of the encounter as it occurred.’” § 87(2)(g)

Allegation D: PO Michael Edmonds jumped on § 87(2)(b)

Allegation E: PO Michael Edmonds used physical force against § 87(2)(b)

Allegation F: Sgt. Mark Holochuck used physical force against § 87(2)(b)

Allegation G: PO Christopher Alden used physical force against § 87(2)(b)

Allegation H: PO Michael Edmonds twisted § 87(2)(b)'s genitals.

Allegation I: Sgt. Mark Holochuck threatened to send § 87(2)(b) to a psychiatric institution.

§ 87(2)(g)

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

Investigator:

Date:

Supervisor:

Date:

Reviewed by:

Date:

Reviewed by:

Date: